

REMARKS/ARGUMENTS

Claims 1-18 were previously pending in the application. Claims 5-6 and 12 are canceled; claims 1, 7-8, and 13 are amended; and new claims 19-56 are added herein. Assuming the entry of this amendment, claims 1-4, 7-11, and 13-56 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

In paragraph 1 of the office action, the Examiner objected to claims 3, 6-7, 10, and 12-14 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form. In paragraph 3 on page 2, the Examiner rejected claims 1-2 and 4-5 under 35 U.S.C. 103(a) as being unpatentable over Platt in view of Campbell. In paragraph 3 on page 5, the Examiner rejected claims 8-9, 11, 18, and (presumably) 15-17 under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Platt. For the following reasons, the Applicant submits that all of the now-pending claims are allowable over the cited references.

Claim 1 has been amended to include the features of original claims 5 and 6. As such, currently amended claim 1 is equivalent to original claim 6 rewritten in independent form. Since the Examiner stated that original claim 6 would be allowable if rewritten in independent form, the Applicant submits that currently amended claim 1 is allowable. Since claims 2-4 and 7 depend variously from claim 1, it is further submitted that those claims are also allowable.

Claim 8 has been amended to include the features of original claim 12. As such, currently amended claim 1 is equivalent to original claim 12 rewritten in independent form. Since the Examiner stated that original claim 12 would be allowable if rewritten in independent form, the Applicant submits that currently amended claim 8 is allowable. Since claims 9-11 and 13-18 depend variously from claim 8, it is further submitted that those claims are also allowable.

New claim 19 is equivalent to original claim 3 rewritten in independent form. Since the Examiner stated that original claim 3 would be allowable if rewritten in independent form, the Applicant submits that new claim 19 is allowable.

New claim 20 is equivalent to original claim 7 rewritten in independent form. Since the Examiner stated that original claim 7 would be allowable if rewritten in independent form, the Applicant submits that new claim 20 is allowable.

New claim 21 is equivalent to original claim 10 rewritten in independent form. Since the Examiner stated that original claim 10 would be allowable if rewritten in independent form, the Applicant submits that new claim 21 is allowable.

New claim 22 is equivalent to original claim 14 rewritten in independent form. Since the Examiner stated that original claim 14 would be allowable if rewritten in independent form, the Applicant submits that new claim 22 is allowable.

New claim 23 is a method for adjusting operations of a hearing aid of a user. According to new claim 23, a computer system transmits a sequence of one or more non-audible commands to a processor in one of a telephone and the hearing aid, where the processor causes an audible test tone to be generated in response to receipt of each command. When the processor is in the telephone, the telephone generates each test tone, and, when the processor is in the hearing aid, the hearing aid generates each test tone. The computer system receives a response to each of one or more of the test tones from the user and processes

the one or more responses from the user to generate parameters for controlling the operations of the hearing aid. The computer system transmits the parameters to the hearing aid to adjust the operations of the hearing aid.

Figs. 1 and 2 show examples of embodiments of the present invention in which the processor is in a telephone, while Figs. 3 and 4 show examples of embodiments of the present invention in which the processor is in the hearing aid. When the processor is in a telephone, the telephone receives the non-audible commands and generates the corresponding audible test tones. When the processor is in the hearing aid, the hearing aid receives the non-audible commands and generates the corresponding audible test tones.

The cited references do not teach such combinations of features.

In particular, Platt teaches a technique for programming a hearing aid, but the technique is significantly different from that of the present invention. In Platt, a hearing health professional takes an audiogram of an individual's hearing loss, or capability, "in a conventional manner." See, e.g., column 9, lines 4-7, and column 10, lines 17-20. The conventional manner of taking an audiogram involves playing a sequence of audible test tones to a user. The user may or may not be wearing a hearing aid. If the user is wearing a hearing aid, then the hearing aid operates in its normal mode, in which a microphone in the hearing aid converts the audible tones to electrical signals that are then processed by a signal processor. The signal processor passes the processed signals to a loudspeaker that converts the processed signals into audible tones played in the user's ear. See column 10, lines 1-6.

Significantly, Platt does not teach a hearing aid having a processor that receives non-audible commands and causes audible test tones to be generated in response to those commands. Nor does Platt teach a telephone having such a processor. Thus, the teachings of Platt are significantly different from those of the present invention.

Nor does Campbell provide the teachings missing from Platt. Campbell teaches a digital telephone that adjusts a telephony input signal according to user parameters that represent a user's hearing spectrum to generate an audible output signal that is customized to the user's hearing. As such, the telephone taught by Campbell operates analogously to a conventional hearing aid, which also adjusts an input signal according to user parameters that represent a user's hearing spectrum to generate an audible output signal that is customized to a user's hearing. In this regard, Campbell's digital telephone operates like a conventional hearing aid.

Significantly, Campbell does not even teach the use of the disclosed digital telephone in combination with a hearing aid, let alone the use of the digital telephone to adjust the operations of such a hearing aid. Thus, Campbell does not provide the teachings missing from Platt.

To summarize, Platt teaches a technique for adjusting a hearing aid, but discloses nothing about using a telephone during the adjustment process, while Campbell teaches a digital telephone that functions like a hearing aid, but discloses nothing about using the telephone in combination with a hearing aid, let alone teaching the use of the telephone to adjust the operations of a hearing aid. Thus, there is simply no suggestion in the prior art for using a telephone to adjust a hearing aid.

Moreover, in Platt, the hearing aid generates an audible output in response to receiving a conventional audible input. Similarly, in Campbell, the telephone generates an audible output in response to receiving a conventional telephony input. Neither reference teaches or even suggests a

hearing aid or a telephone that generates audible outputs in response to receiving non-audible commands from a computer system as in the present invention.

For any and all of these reasons, the Applicant submits that new claim 23 is allowable over the cited references. For similar reasons, the Applicant submits that new claims 36, 40, and 44 are allowable over the cited references. Since claims 24-35, 37-39, 41-43, and 45-56 depend variously from claims 23, 36, 40, and 44, it is further submitted that those claims are also allowable over the cited references.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,



Steve Mendelsohn
Registration No. 35,951
Attorney for Applicant
(215) 557-6657 (phone)
(215) 557-8477 (fax)

Date: 12/24/03

Customer No. 22186
Mendelsohn & Associates, P.C.
1515 Market Street, Suite 715
Philadelphia, Pennsylvania 19102